Victoria Police

Complaints Investigation
No.2. Division (West)
Ethical Standards Department
2 September, 1997

Chief Inspector
No.2. Division (West)
Ethical Standards Department

Subject: BPI **Complainant alleges a police cover-up of an investigation at Mildura during the late 1960 into sexual abuse by father John Day. ESD file C1-629197.**

Situation

1. On the 24 July 1997, BPI of REDACTED South Australia, wrote a detailed letter (folios 1-2) to the Chief Commissioner of Police. BPI alleged that in the late 1960's she was indecently assaulted at Mildura by the local parish priest, Father John Day.

2. BPI reported the incident to Detective Constable Dennis Ryan of Mildura CIB As a result Ryan conducted an investigation and located several other victims of sexual abuse.

3. It is alleged in the letter that Ryan was directed to cease his investigations by high ranking police officers. BPI further alleged that Detective Sergeant Jim Barritt and the local clerk of courts, Joe Kearney obtained illegal funds to assist Day in his extravagant life style.

4. BPI allegations in general were that Ryan was instructed by corrupt officers to cease his investigation and when he refused was blackmailed and forced to resign prematurely.

Action taken

5. As a result of preliminary investigations I found three files existed in relation to the allegations and subsequent investigations by the then force command.

6. The files are precised as follows:-

File 5-2-1667 -72

On the 30 March 1972, a former member of the police force, turned politician Mr Shilton, raised allegations of conspiracy, obtaining secrete commissions and compounding a felony against members of Mildura Police and a senior member of the Church in the Legislative Assembly. The matter was widely reported in local and Melbourne Newspapers. The then Chief Secretary, Rupet Hamer, advised parliament that the Chief Commissioner had commenced an investigation and was due to report on the allegations. It would appear that prior to the accusations being made, a serving member, Detective Constable Ryan had been investigating allegations of sexual assaults made by numerous alleged victims against a local catholic priest, Father John Day. During the course of the investigation Ryan had apparently been instructed to cease his investigations by so called senior police, that being the Officer in Charge of Mildura CIB, Detective Sergeant Barritt. Ryan was also the co-author of a letter forwarded to the local District Bishop alleging sexual abuse by Day. By unknown means representations were made to Shilton who used parliament to raise the alleged conspiracy. On the 29 March 1972, Superintendent O'Connor and Chief Inspector Child, of Russell Street CIB were assigned to investigate the allegations. Their investigation disclosed no criminal offences, but revealed Barritt had mishandled property. Barritt was later charged with discipline offences and later transferred to Echuca CIB following a recommendation by the Deputy Commissioner that he and Ryan both be transferred to other CIB Divisions.

File 24-61-2259-72

The file related to the allegations of sexual abuse by Day against a number of children at his parish school. The file was created on the 15 March 1972 it appears as part of the overall investigation by O'Connor and Child. It consist of statement from alleged victims of Father Day, a brief of evidence prepared by an Detective Inspector Irwin and reports by O'Connor. Prior to the investigation by O'Connor and Child, Detective Inspector Irwin and Detective Sergeant Barritt were instructed by the local Superintendent to take over the investigation that Ryan was conducting into Father Day. Irwin prepared a brief of evidence and submitted in his opinion there was insufficient evidence to support the allegations. As a result no prosecution against Father Day was undertaken. Although not recorded it would appear Ryan has sort the assistance of local members of the community to have the issue raised and alleged Barritt was corrupt and diverting local court monies to Father Day to support an expensive life style. It was also alleged that the local Clerk of Courts was assisting Barritt, as both were close friends of Day.

O'Connor and Child reinterviewed Day and submitted all the available evidence to the force legal officer, Mr Grace and the Solicitor General. Both concluded there was insufficient evidence to support the allegations, mostly due to the lack of corroboration and time between the alleged offences having occurred and their disclosure.

File 7314/97

On the 5 July 1997, a former member Mr K.P Walters wrote to the Chief Commissioner of Police concerning a article which appeared in the Herald Sun on the 5 July 1997. The article referred to the Catholic Church apologising to the victims of sexual abuse by Father Day in the Mildura area in the late 1960's. In particular the article quotes a former member (Ryan) stating that he was ordered to drop his investigations by a superior (Barritt) who was a friend of Day's. Walters recalled that he had taken a statement from a young constable who had also been a victim of Day while attending school in Mildura. Walters suggested that Ryan had been wronged and that the force should also make an apology to Ryan for his alleged forced resignation. The letter was investigated by the Deputy Commissioner (Policy & Standards). Mr O'Loughlin concluded after reviewing the above two files that the department had no cause to make any form of formal apology to Ryan. Mr O'Loughlin verbally replied to Walters. The matter has been finalised and put away as correspondence.

Result of previous investigations

7. Having reviewed all the files relating to this matter I am of the opinion that at the time substantial investigations were conducted by Senior Police, this also includes the Chief Commissioner of Police and his Deputy who personally interviewed Barritt and Ryan. The investigations concluded that Barritt had not committed any criminal offences, but had committed discipline offences for which he was duly charged and convicted.

8. The investigators at the time also reviewed the allegations of alleged sexual offences by Day. As a result a brief was prepared and submitted to the force legal officer for an opinion and was reviewed by the Solicitor General. Both found there was in sufficient evidence to support the charges, the main reason being lack of corroboration and time taken to report the matters.

9. The alleged forcing of Ryan to resign was also reviewed. I found that Ryan chose to resign rather than be transferred to Russell Street CIB At the time Ryan had an active interest in a fruit growing block and it appeared he was considering full time farming before his order to transfer.

Additional Information

10. Since receiving this file I have received information from the F.O.I office that RYAN has made inquiries in relation to the existence of his personal file and the investigations conducted by O'Connor and Child. Ryan has indicated that the apology issued by the Catholic church on the 5 July 1997, corroborates his investigation, and supports his previous inference that he was instructed to cease his investigations by senior police and forced to resign.

11. There was also an indication by Ryan that he had spoken with another former member turned politician Mr Savage, who has taken an interest in the plight of Ryan and his alleged force resignation. To this date I have not received any further information from the F.O.I Office.

Recommendation

12. I believe that there is sufficient material in the previous three files to answer BPI 's complaint letter without recourse to another lengthy investigation. I recommend that a letter be drafted and forwarded to BPI outlining the previous investigations and results.

REDACTED

K. Williams
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